

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF _____
MAGISTRATE DIVISION

_____)	
)	
Plaintiff,)	
)	
vs.)	
)	
_____)	
)	Case No. _____
Defendant.)	
_____)	

**ORDER APPOINTING
PARENTING COORDINATOR**

FINDINGS:

This appointment is made [] by stipulation of the parties or [] from the registry of Parenting Coordinators maintained by the Idaho Supreme Court.

1. Pursuant to I.R.C.P. 16(l), the Court finds:

- [] The issues appear to be intractable or have been subject to frequent relitigation; or
- [] The well-being of a minor child is placed at risk by the parents' inability to co-parent civilly; or
- [] One or both parents have committed domestic violence; or
- [] One or both parents is chemically dependent or mentally ill; or
- [] Other exceptional circumstances require such appointment to protect the child's best interest. Those circumstances are:

Based upon the above findings, the record and pleadings on file herein, the previous hearings held in this matter, and good cause appearing therefore, pursuant to I.R.C.P.16(l),

IT IS HEREBY ORDERED,

Purpose:

1. The Parenting Coordinator is hereby appointed in this matter to interpret and clarify the provisions of the Decree of Divorce and to issue directives to the parties which address the children, their custodial schedule, activities, expenses, or any other matters pertaining to the children, all as further defined herein.

Order Governs over IRCP:

2. Any conflict between the Idaho Rules of Civil Procedure and this Order will be governed by this Order. More specifically, recommendations made by the Parenting Coordinator under paragraph 5(c), of Rule 16(l) will not become effective without court order, after hearing. This Order of reference shall be pursuant to Rule 16(l) of the Idaho Rules of Civil Procedure and this Order shall specify or limit the Coordinator's powers.

Counsel not Attend Meetings:

3. Counsel will not attend meetings between the parties and the Parenting Coordinator, unless specifically requested by the Coordinator.

Form of Decisions:

4. Decisions of the Parenting Coordinator should be in writing and mailed to the parties within ten (10) days of any meeting with the Coordinator, or, if required by time constraints, the Coordinator's decision may be given orally and followed up in writing. See Rule 16(l)(8). The Coordinator's decision may be a simple, concise statement, and need not be in the form of an order.

Force and Effect of Decisions:

5. The Court directs the parties to abide by any of the decisions of the Coordinator unless and until the decision is brought before the Court, as outlined in this order. The Parenting Coordinator's decisions and directives shall have the same force and effect as an Order of this Court until such time as this Court expressly determines otherwise. See Rule 16(l)(7)D and 8(A). The Coordinator has no authority to punish violations; however, the Court does, and may treat any failure to follow or abide by a decision of the Coordinator as a contempt of court, and the parties, accordingly, could be fined or jailed, or ordered to pay attorney's fees of the other party. The Court may uphold, reverse, or modify any decision of the Coordinator. The Court may allocate and award attorney's fees and costs, or other child-related costs, including the Parenting Coordinator's fees, in the event the Court determines that any conduct of a party is unreasonable, arbitrary, without foundation, is dishonest, or is done for purposes of harassment or spite.

Parenting Coordinator's Motions or Requests:

6. The Parenting Coordinator may file motions or requests seeking guidance from the Court, and may make written recommendations to the Court as he or she sees fit. The Coordinator shall file a status report with the Court at least once every six months. The Court may set status conferences or hearings on its own motion based upon information received from the Parenting Coordinator, including motions to change custody, alter or suspend visitation, order supervised visitation, order custody or psychological evaluations, or to consider any recommendations made by the Parenting Coordinator as described in Rule 16(l)(5)(C).

Releases of Information:

7. The parties shall provide to the Parenting Coordinator, upon request, signed written authorizations for release of any record pertaining to the minor children of the parties, including but not limited to those records delineated in Idaho Code 32-717A. This provision does not empower the Parenting Coordinator to receive private medical or counseling records of either parent, except as may be otherwise ordered by the Court.

Initial Meeting:

8. At an initial meeting of the Coordinator and the parties, the Coordinator shall define and describe for the parties, in writing, the Coordinator's role as required by paragraph 7 of Rule 16(l) IRCP.

Duty of Parties:

9. The parties shall comply with such procedures for communication and other guidelines for contact, communication, and resolution of issues as the Parenting Coordinator may, from time to time, establish. This may include the Parenting Coordinator requiring the presence of the parties at specific times and places and requiring production of documents and evidence by either party including without limitation, books, records, vouchers, invoices, receipts, policies, phone records, etc.

Parenting Coordinator is not a Mediator, No Privilege Exists:

10. Although he or she may make efforts to facilitate communication or agreements between the parties, the Parenting Coordinator is not a "mediator" within the meaning of Rule 16 of the Idaho Rules of Civil Procedure, and is not acting as a counselor to either party by virtue of this Order. No information given by either party to the Parenting Coordinator is confidential, and no party may claim privilege under any rule of evidence as to any information revealed,

expressed, or delivered to the Parenting Coordinator. The Parenting Coordinator is not precluded from testifying for or against either party in subsequent court proceedings and may be called to testify, and be cross-examined by either party. The Coordinator shall be the eyes and ears and witness for the Court and not the parties. In that sense the Coordinator is a referee with certain authority as set forth in this Order. Pursuant to Rule 16(l)(7), documentation of contacts with the parties and other persons is privileged and confidential, except upon order of the Court to reveal it.

Meetings with Coordinator:

11. Upon request of either party or on any schedule deemed appropriate by the Coordinator or the parties, the Coordinator will set a meeting and provide notice of the meeting in writing, by phone, or by any reasonable means to each party. The parties are required to attend. Failure to appear at meetings may constitute contempt of this Order. The Coordinator may require, prior to any meeting, that the party requesting the meeting do so in writing, and set forth the reasons requested for the meeting and what decision of the Coordinator the party is requesting. The Coordinator may forward that writing to the other party and solicit comments, and may determine and decide the issue without a meeting.

Conduct of Meetings; Rules of Evidence not Apply; No Duty to Make Record:

12. The Parenting Coordinator may not rule upon the admissibility of evidence and will not have authority to put witnesses under oath or examine them, or other parties, under oath. The Coordinator need not make a record of information presented and has no authority to compel or procure the attendance of witnesses before the Coordinator.

Communication Between the Coordinator and the Court:

13. It is expected the Parenting Coordinator will report directly to the Court any unreasonable conduct, (including but not limited to any unreasonable requests, or demands, or failure to cooperate) by either party, or any failure to attend meetings as scheduled and designated by the Coordinator. Any communications between the Parenting Coordinator and the Court shall be in writing, with copies to both parties.

Duties, Authority of Coordinator; Ex Parte Meetings Prohibited; Collateral Information:

14. It is expected the Parenting Coordinator will assess and report, if necessary, on the needs of the parties and/or the needs of the children. The Parenting Coordinator may meet with the children privately if deemed necessary. The Coordinator may initially meet with each party privately for up to two (2) hours or longer if requested by the Coordinator, not to exceed four (4) hours each. Following these initial meetings, the Coordinator may not meet alone with either party. Neither party may call or write the Parenting Coordinator except to set or request meeting times at which meetings both parties will be present. The Coordinator may obtain collateral information from third parties or third-party sources. The Coordinator is not expected to listen to the parties regarding past history or historical events occurring prior to this order of reference, unless the Coordinator determines it is necessary or relevant to current determinations that he or she must make.

Coordinator Objectives:

15. The Parenting Coordinator shall be an advocate for the children, and at all times keep their best interests paramount. The Coordinator should also function with the objective of facilitating direct communication between the parties relating to the children's welfare.

General Authority of Coordinator; Amendment of Court Orders:

16. The Parenting Coordinator may not approve violations of any existing Order of the Court. The Parenting Coordinator has no authority to act outside the parameters of this order. Other than the Coordinator's bill for fees, the Coordinator may not order or require the payment of any bill or other obligation by either party. If any order needs modifying, based upon changed circumstances of the parties or because they have agreed on something different, the Coordinator may bring such information to the Court's attention by written report with copies to both parties and/or counsel. Any agreements, stipulations, or resolutions arrived at between the parties that purport to modify any existing court order must be in writing and submitted to the Court for signature, after which time it will become an Order of the Court.

Duty to Meet and Attempt Resolution; Specific Authority of Coordinator:

17. The parties may not return to Court or file any documents requesting court action on any issue without having first met with the Coordinator and having attempted to resolve it. The Coordinator has authority without further order of the Court, and after input by both parties to:

- a. Set the starting and ending dates of each party's visitation periods, within the confines of any order of the Court, (e.g.-summer visitation schedule, alternating weekends) and, if necessary, to vary the weekends in order to accommodate start and stop times for summer visitation, holidays, Thanksgiving, Christmas vacation, spring break, etc.
- b. Set the days and the hours during which each party may communicate with the children by phone.
- c. Set the manner and method by which the parties may communicate with each other.
- d. Set and determine any transportation arrangements that are not settled by order of the Court.

- e. Set and determine which day of the week any ordered weekly evening visits occur in the event the days set by the Court or parties become inconvenient to either party, and regulate the start and stop times if necessary.
- f. Settle any visitation disputes involving holidays, birthdays of either parent, children's birthdays, Mother's or Father's Day, etc.
- g. Approve out-of-state travel plans for temporary trips out-of-state by either party, insuring that itineraries and available phone numbers are provided and that reasonable phone calls to or from the children will be allowed. Approval of travel plans in this regard does not mean that the basic visitation schedule between the parties will be changed, although it might.
- h. Settle any disagreement regarding counseling for the children, and/or whether, and to what extent, psychological examinations or evaluations of the children may be conducted. (This does not include custody evaluations.)
- i. Insure the parties exchange tax returns and medical insurance information, (including policies, bills, medical reports) etc., if required by court order, and determine the manner and method and timing by which such information is exchanged, and insure payments are made between the parties or others for court ordered obligations such as child care, and medical bills.
- j. Settle any other matter regarding the children left unresolved by the Court's order.

Payment for Coordinator Services:

18. The Parenting Coordinator is directed to bill the parties on a monthly basis for services at his or her regular and customary hourly rate or may demand payment from each party at the conclusion of any meeting. The parties shall each have fifteen (15) days from the date of any bill or payment within which to make written objection to the bill. If no objection is made within said time, the bill may be deemed approved, and/or the Coordinator may apply to the Court for an order and/or Writ of Execution. The Court will rule on any objections to fees upon motion of any party or the Parenting Coordinator. The parties shall

allocate the Coordinator's fees _____

Notice of Hearings to Coordinator:

19. The parties' counsel shall serve copies of motions and notices of hearings to the Coordinator for any hearing addressing issues within the purview of the Coordinator, and the Coordinator may participate at any such hearing as the Court's witness.

Motions to the Court:

20. Any party aggrieved by a decision of the Parenting Coordinator, or seeking entry of an order based on a recommendation of the Coordinator, may file a motion with the Court. Such motions may be filed and heard at any time; however, the Parenting Coordinator's decision on any issue authorized by this order or Rule 16(l) stands unless or until modified by the Court, except for issues set forth in paragraph 5(C) of Rule 16(l), which do not become effective until an order has been entered by the Court, after notice and hearing. The Court will hear motions to review a decision of the Coordinator on argument only, without presentation of evidence or testimony, unless the Court orders otherwise on good cause shown. It is the Court's intention to resolve issues arising from decisions of the Parenting Coordinator as quickly and expeditiously as possible. If necessary, and required by exigent circumstances, the Court will waive the ordinary notice requirements of the civil rules. The Court will also, by telephone conference call prior to hearing, initiated by either party, attempt to come to some agreement regarding the procedure to be utilized by the parties in addressing these motions.

Termination:

21. Either party may petition the Court for termination of the Parenting Coordinator's role for any of the grounds set forth in Rule 16(l)(9). The parties may also terminate the Coordinator's role by Stipulation, or the Coordinator may resign at any time by submitting a letter of resignation to the Court and Counsel (or the parties if unrepresented by counsel).

The Parenting Coordinator appointed in this matter is:

Dated this _____ day of _____, 20____.

Magistrate Judge

CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 20____, I caused to be served a true and correct copy of the within order upon the parties named below.

Attorneys:

Parties:

_____ By depositing copies of the same in the Unites States Mail, postage prepaid, at the post office at Hailey, Idaho.

_____ By hand delivering copies of the same.

_____ By telecopying copies of the same, and by then mailing copies of the same in the United States mail, postage prepaid, at the post office at Hailey, Idaho.

Deputy Clerk